

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

DONALD COOPER

Petitioner,

-v-

WARDEN, Lebanon Correctional
Institution

Respondent.

Case No. C-3:12-cv-059

Judge Thomas M. Rose
Magistrate Judge Sharon L. Ovington

ENTRY AND ORDER OVERRULING COOPER'S OBJECTIONS (Doc. #22) TO THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATIONS REGARDING HIS APPLICATION TO PROCEED *IN FORMA PAUPERIS* ON APPEAL; ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATIONS (Doc. #21) IN ITS ENTIRETY AND DENYING COOPER'S APPLICATION TO PROCEED *IN FORMA PAUPERIS* ON APPEAL

This matter comes before the Court pursuant to pro se Petitioner Donald Cooper's ("Cooper's") Objections (doc. #22) to Magistrate Judge Sharon L. Ovington's Report and Recommendations regarding Cooper's Application To Proceed *In Forma Pauperis* On Appeal (doc. #21). Upon review, the Magistrate Judge recommends that Cooper's Application To Proceed *In Forma Pauperis* On Appeal be denied.

The time has run and the Warden has not filed a response to Cooper's Objections. Cooper's Objections are, therefore, ripe for decision.

As required by 28 U.S.C. §636(b) and Federal Rules of Civil Procedure Rule 72(b), the District Judge has made a de novo review of the record in this case. Upon said review, the Court finds that Cooper's Objections to the Magistrate Judge's Report and Recommendations are not well-taken, and they are hereby OVERRULED. The Magistrate Judge's Report and

Recommendations is adopted in its entirety. Cooper's Application To Proceed *In Forma Pauperis* On Appeal is denied.

DONE and **ORDERED** in Dayton, Ohio, this First Day of July, 2013.

s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record
Donald Cooper at his last address of record